

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

EVAN RATCLIFF,

Plaintiff,

v.

BOB FAULKNER, et al,

Defendants.

Case No. 2:21-cv-01351-RFB-DJA

**ORDER**

Before the Court are Plaintiff's Motion for Emergency Injunction and Motion for Restraining Order (ECF Nos. 21, 22), which the Court construes as a Motion for Preliminary Injunction and Motion for Temporary Restraining Order.

On July 16, 2021, Plaintiff filed a Complaint and Application for Leave to Proceed in forma pauperis. ECF No. 1. On November 29, 2021, Plaintiff filed a Motion for Preliminary Injunction and a Motion for Protective Order. (ECF Nos. 3, 4.) On December 1, 2021, the Court granted Plaintiff's Motion for Protective Order and entered a temporary restraining order. (ECF No. 5.) The Court's Order instructed Defendants to provide Plaintiff with refills of his requested eyedrops. On December 27, 2021, the Court screened Plaintiff's Complaint pursuant to 28 U.S.C. § 1915A, and permitted Plaintiff's Eighth Amendment claim of deliberate indifference to proceed. (ECF No. 12.)

The Court incorporates by reference the factual findings from its December 2021 Order, and adds the following: on July 19, 2022, Plaintiff requested a refill of his Dorzolamide eyedrops, and was told by Defendants that he would not become eligible for a refill until August 8, 2022.

1 Plaintiff's doctor's orders state that Plaintiff must stay on these prescribed eyedrops, and shall  
2 receive refills upon his request. Plaintiff alleges that he is experiencing pain and discomfort in his  
3 right eye as a result of no longer having his Dorzolamide eyedrops. The Court is aware that these  
4 eyedrops are required for the long-term aftercare of Plaintiff's cornea transplant.

5 The Court reiterates its legal conclusions from its December 2021 Order and finds that  
6 Plaintiff has demonstrated a likelihood of success on the merits, a great risk of irreparable harm,  
7 and that the balance of the equities and the public interest weigh in Plaintiff's favor. See Winter v.  
8 Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). **The Court therefore orders Plaintiff to**  
9 **be provided refills of his requested eyedrops by 5:00 p.m. Monday, July 25, 2022.** The Court  
10 finds that Defendants have access to the medication and can readily comply with this Court's order.  
11 The Court further finds this relief is narrowly draw and extends no further than to correct the harm  
12 Plaintiff is currently enduring and is the least intrusive means necessary. See 18 U.S.C. §  
13 3626(a)(1), (2).

14 The Court further notes that electronic service of the Complaint was effectuated upon  
15 Defendants pursuant to the Court's Screening Order. However, to ensure that Defendants have a  
16 copy of the Complaint, the Clerk of the Court is directed to electronically provide a copy of this  
17 order, the Screening Order (ECF No. 12), and the Complaint (ECF No. 13) to counsel for  
18 Defendants and the Specially Appearing Defendants.

19  
20 **IT IS THEREFORE ORDERED** that the Motion for Restraining Order (ECF No. 22) is  
21 **GRANTED**. Defendants shall provide Plaintiff with refills of his requested eyedrops  
22 (Dorzolamide), in his cell, **by 5:00 p.m. Monday, July 25, 2022.**

23 **IT IS FURTHER ORDERED** that Defendants shall file a Notice of Compliance with the  
24 Court **by 5:00 p.m. Monday, July 25, 2022.** If Defendants do not comply with this Court's order,  
25 the Court may impose sanctions, including monetary sanctions of \$1,000 per day until Plaintiff  
26 receives his eyedrops, as well as case-dispositive sanctions and/or custodial sanctions.

1           **IT IS FURTHER ORDERED** that Defendants shall file any response to the Motion for  
2 Emergency Injunction (ECF No. 21) by Monday, July 25, 2022.

3           **IT IS FURTHER ORDERED** that the Clerk of the Court or a representative of this Court  
4 shall provide a copy of this order as well as a copy of the Complaint (ECF No. 13) and Screening  
5 Order (ECF No. 12) to the Nevada Attorney General's Office and the warden of Southern Desert  
6 Correctional Center state prison.

7           **IT IS FURTHER ORDERED** that the Court shall hold a motions hearing by  
8 videoconference on the Motion for Emergency Injunction (ECF No. 21) on Wednesday, July 27,  
9 2022 at 2:00 PM before Judge Richard F. Boulware, II. The instruction regarding videoconference  
10 appearance to be issued.

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12           **DATED: July 22, 2022.**



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**RICHARD F. BOULWARE, II**  
**UNITED STATES DISTRICT JUDGE**